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**ZONING BYLAWS**  
**TOWN OF BARNET, VERMONT**

ADOPTED \_\_\_\_\_

# TOWN OF BARNET, VERMONT

## ZONING BY-LAWS

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## **ARTICLE I: ENACTMENT AND INTENT**

### **Section 101: Enactment**

In accordance with the Vermont Municipal and Regional Planning and Development Act, Title 24 V.S.A., Chapter 117, hereinafter referred to as the “Act”, there are hereby established zoning regulations for the Town of Barnet, Vermont, which are set forth in the text and a set of maps that are a constituent of these regulations. This set of maps shall hereinafter be referred to as the “Official Zoning Map.” These regulations shall be known and cited as the “Town of Barnet Zoning Bylaws.”

### **Section 102: Intent**

It is the intent of these bylaws and the zoning regulations contained therein to provide for orderly community growth; to provide for public health, safety, and welfare; and to further the purposes established in the Act and the Barnet Town Plan.

### **Section 103: Limitations**

103.01 In accordance with Section 4413 (a) of the Act, the following uses may be regulated under these zoning regulations only with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping, and screening requirements, and only to the extent that the regulations do not have the effect of interfering with the intended functional use of the following:

- A. State or community-owned and operated institutions and facilities
- B. Public and private schools and other educational institutions certified by the state department of education
- C. Churches and other places of worship, convents, and parish houses
- D. Public and private hospitals
- E. Regional solid waste management facilities certified under 10 V.S.A chapter 159
- F. Hazardous waste management facilities for which a notice of intent to construct has been received under 10 V.S.A, Section 6606a.

With the exception of state-owned and operated institutions and facilities, uses A through F above must also comply with the flood hazard regulations contained in Section 413 of these zoning regulations.

103.02 In accordance with Sections 4413 (b) and (h) of the Act, public utility power generating plants, transmission facilities, and associated improvements regulated under 30 V.S.A., Section 248, shall not be subject to these zoning regulations.

103.03 In the event that these zoning regulations apply to development that is also subject to regulations under State statutes, the more stringent or restrictive regulations shall apply.

103.04 In accordance with Section 4413 (d) of the Act, no local zoning permit shall be required for accepted silvicultural practices, as defined by the Commissioner of Forests, Parks and Recreation, including practices which are in compliance with the acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont; or for required agricultural practices, including the construction of farm structures, as defined by 10 V.S.A., Section 6001(22), but excluding a dwelling for human habitation; provided that:

- A. Qualifying farmers shall notify the Town of the intent to build any qualifying farm structures in writing on a form available from the administrative officer. A sketch of the lot and proposed structure(s) must include setbacks from adjoining property lines and road rights-of-way;
- B. Variances or waivers from setbacks as set by these bylaws are approved by the state secretary of agriculture, food and markets.

103.05 In accordance with Section 4413 (g) of the Act, the installation, operation, maintenance, on a flat roof of an otherwise complying structure, of a solar energy device shall be exempt from these zoning regulations. Furthermore, these zoning regulations shall not have the effect of prohibiting the installation of other types of solar collectors, clotheslines, or other energy devices based on renewable resources.

## **ARTICLE II: ADMINISTRATION AND ENFORCEMENT**

### **Section 201: Administrative Officer**

#### 201.01 Appointment

In accordance with Sections 4448(a) and (b) of the Act:

- A. An administrative officer shall be nominated by the planning commission and appointed by the Town of Barnet Select Board (hereinafter “Select Board”) for a term of three years, when a vacancy exists.
- B. The planning commission may nominate and the Select Board may appoint an acting administrative officer who shall have the same duties and responsibilities as the administrative officer in the administrative officer’s absence.
- C. An administrative officer may be removed for cause at any time by the Select Board after consultation with the planning commission.

#### 201.02 Powers and Duties

In accordance with Sections 4448(c) and (d) of the Act:

- A. The administrative officer shall administer the provisions of these bylaws literally, and shall not have the power to permit any land development which is not in conformance with these bylaws or any ordinances of the town.
- B. The administrative officer shall have the power to make inspections of structures or land in order to carry out his or her duties in the enforcement of these bylaws.
- C. The administrative officer shall provide the applicant with the forms required to obtain a permit.
- D. The administrative officer shall inform any person applying for town permits that state permits may be required and that the regional permit specialist at the agency of natural resources may need to be contacted. Nevertheless the applicant retains the obligation to identify, apply for, and obtain relevant state permits.
- E. The administrative officer shall maintain an up-to-date record of all applications for permits issued or refused with notations thereon of all special conditions involved. Copies of all plans submitted to the administrative officer shall form a part of the above record. The administrative officer shall keep the above records in the town clerk’s office.
- F. The administrative officer shall have the power to notify any property owner when a violation occurs. A violation may be enforced within 15 years of its occurrence. The burden of proving the date of alleged violation shall be on the landowner.

## **Section 202: Zoning Permits**

### 202.01 Requirement

No person shall commence any land development (as defined by these Bylaws) without a permit issued by the administrative officer.

### 202.02 Exemptions

In addition to the exempted uses noted in Section 103 of these regulations, no zoning permit is required nor are setbacks applicable to the following:

- A. Fences, hedges, or walls not over 6 feet in height which do not block flood flows, if in the Special Flood Hazard Area, nor interfere with corner visibility.
- B. Accessory structures not exceeding fifty square feet in floor area, unless in the Special Flood Hazard Area.
- C. For exempt signs see Section 415.02.
- D. Residential window and dormer awnings.
- E. Handicap ramps and residential playground structures, unless in the Special Flood Hazard Area.

### 202.03 Application

In applying to the administrative officer for a zoning permit, the applicant shall submit a sketch or plan indicating the shape, size, height, and location of any structure to be erected, altered, moved, and of any structure already on that lot in relation to all property and right-of-way lines. This sketch or plan shall be accompanied by satisfactory evidence that the line of the bounding street or road has been accurately located and staked on the ground. The applicant shall also state the existing or intended use of all such structures or extensions thereof and supply other such information as may be required by the administrative officer to insure compliance with the provisions of these Bylaws.

As required by Section 4449(a)(1) of the Act, when an application for a zoning permit seeks approval of a structure, the administrative officer shall provide the applicant with a copy of the applicable building energy standards under 30 V.S.A., Sections 51 (residential building energy standards) and 53 (commercial building energy standards), unless the structure is a sign, fence, or will not be heated or cooled.

For additional application requirements for zoning permits in the Special Flood Hazard Area, see Section 413 of these regulations.

### 202.04 Issuance

If the proposed use, excavation, construction, alteration, extension or moving is in conformity with the provisions of these bylaws and other ordinances of the Town of Barnet, the administrative officer shall issue a zoning permit therefor.

The administrative officer shall not issue a permit for any land development if construction is commenced prior to the issuance of a permit, unless, upon inspection of the site, the administrative officer determines such development is in conformance with these regulations. If the administrative officer finds the construction to be in violation of any portion of these regulations, the applicant shall stop all construction and the permit shall be denied.

### 202.05 Issuance with Pending Amendment

As required by Section 4449(d) of the Act, if a public notice is issued with respect to the amendment of these Bylaws, the administrative officer, for a period of 150 days following that notice, shall review any new application filed after the date of the notice under the proposed amendment and applicable existing

bylaws and ordinances. If the proposed amendment has not been adopted by the conclusion of the 150-day period or if the proposed amendment is rejected, the permit shall be reviewed under existing bylaws and ordinances. An application that has been denied under a proposed amendment that has been rejected or that has not been adopted within the 150-day period shall be reviewed again, at no cost, under the existing bylaws and ordinances, upon request of the applicant. Any determination by the administrative officer under this section shall be subject to appeal as provided in Section 4465 of the Act.

202.06 Refusal

If a zoning permit is refused, the administrative officer shall state such refusal and the cause therefor in writing and shall immediately mail notice of such refusal to the applicant at the address indicated on the application.

202.07 Fees

- A. The fee for zoning permits and recording fees shall be set by the Select Board. Late filing fees for all zoning permits shall be two times the original fee.
- B. All applications and appeals to the Zoning Board of Adjustment shall be accompanied by a fee as set by the Select Board to cover the cost of advertising and processing.

202.08 Posting

Each zoning permit issued under this section shall contain a statement of the period of time within which any appeal may be taken. Within three days following the issuance of any zoning permit the administrative officer shall:

- A. Deliver a copy of the permit to the Listers of the Town, (4449(b)(1)).
- B. Post a copy of the permit in at least one public place in the Town until the expiration of fifteen (15) days from the date of issuance of the permit, (4449(b)(2)).
- C. Following the issuance of a permit for land development in a flood hazard area, in accordance with the requirements of Section 413 of these regulations, the administrative officer shall provide a memorandum describing the permit to the Town Clerk, who shall file and record it with the deed of the concerned property.
- D. Mail copies of the approved permit to all adjoining property owners. Adjoining property owners shall include those immediately across the highway from the proposed development.

202.09 Effective Date

In accordance with Section 4449(a)(3) of the Act, no zoning permit shall take effect until the time for appeal (15 days) has passed, or in the event that a notice of appeal is filed properly, such permit shall not take effect until the final adjudication of said appeal.

202.10 Term

Construction must start within twenty-four (24) months of the issuance of a zoning permit.

202.11 Failure to Act

If the administrative officer fails to act with regard to a complete application for a permit within thirty (30) days, whether by issuing a decision or by making a referral to the Planning Commission/Board of Adjustment, a permit shall be deemed issued on the 31<sup>st</sup> day, in accordance with Section 4448 (d) of the Act.

**Section 203: Referral to State Agency**

In accordance with Section 4449(e) of the Act, any application for a zoning permit, and any approval or permit issued, shall include a statement that State permits may be required and that the permittee should contact the State Permit Specialist to determine what permits, if any, must be obtained before any construction may commence.

Requirements for the referral of applications for permits within the Special Flood Hazard Area are specified in Section 413 of these regulations.

#### **Section 204: Penalties**

The provisions of these bylaws shall be enforced in accordance with Sections 4451, 4452, and 4454 of the Act.

Nothing herein contained shall be deemed to bar any other legal or equitable remedy provided in the Vermont Planning and Development Act as presently enacted, as amended from time to time, or otherwise to restrain, correct or prevent any violation of these regulations or prosecute violators thereof.

#### **Section 205: Zoning Board of Adjustment and Planning Commission**

Pursuant to Section 4460 of the Act, the Zoning Board of Adjustment [hereinafter referred to as the Zoning Board] for a rural town may consist of the members of the Planning Commission of that town. Barnet has elected to do this, and the combined Board serves the distinct functions of both a Planning Commission and a Zoning Board of Adjustment. The combined nine-member Board shall be appointed by the Select Board. Vacancies shall be filled by the Select Board for unexpired terms and upon the expiration of terms. Any member of the Board may be removed for cause by the Select Board upon written charges and after a public hearing, in accordance with Section 4460 of the Act.

For the purposes of clarity, in its capacity as the Planning Commission, the Board's role is to determine and express the wishes, vision, and policies of the Town of Barnet, as stated in Article I, Section 102 of these bylaws, "to provide for orderly community growth; to provide for public health, safety, and welfare; and to further the purposes" of the town as expressed in a Town Plan. In its capacity as the Zoning Board of Adjustment, this Board's role is executive, in effect to ensure by the enforcement of Zoning Bylaws that the provisions of the Town Plan are realized and maintained.

##### 205.01 Powers and Duties of the Zoning Board

Acting as the Zoning Board of Adjustment, the Board shall have the following powers and duties, or as set forth in Section 4460(e) of the Act:

- A. To hear and decide appeals including, without limitation, where it is alleged that an error has been committed in any order, decision, requirement, or determination made by an administrative officer in connection with the enforcement of these bylaws, pursuant to Section 4465 of the Act.
- B. To hear and grant or deny a request for a variance, pursuant to Section 4469 of the Act, including land development commenced prior to applying for a zoning permit.
- C. To hear and grant or deny a request for approval of a conditional use, pursuant to Section 4414(3) of the Act and Section 307 of these regulations.
- D. To hear and grant or deny a request for approval of a conditional use for any structure within the lines of any proposed street, drainage way, park, school, or any other public facility that is shown on the official map.
- E. The secretary of the Board, at the direction of the Board, shall perform any non-discretionary administrative functions of the Board.
- F. To hear and grant waivers for dimensional requirements, pursuant to Section 4414(8).

##### 205.02 Powers and Duties of the Planning Commission

Acting as the Planning Commission, the Board will have the following powers and duties, and as set forth in Sections 4325 and 4460(e) of the Act:



- A. Prepare a plan and amendments thereof for consideration by the Select Board and to review any amendments thereof initiated by others; as set forth in subchapter 5 of the Act;
- B. Prepare and present to the Select Board proposed bylaws and make recommendations to the Select Board on proposed amendments to such bylaws as set forth in subchapter 6 of the Act;
- C. Review issues of right-of-way or easement for land development without frontage as authorized in subdivision 4412(3) of the Act and Section 402 of these regulations;
- D. Review planned unit developments, pursuant to Section 4417 of the Act and Section 308 of these regulations;
- E. Review site plans as authorized in Section 4416 of the Act and Section 306 of these regulations.

### 205.03 Variances, Waivers, and Appeals

- A. An interested person may appeal any decision or act taken by the administrative officer by filing a notice of appeal with the secretary of the Board of Adjustment or Clerk of the Town, if no such secretary has been elected, within fifteen (15) days of the date of such decision or act, and a copy of the notice of appeal shall be filed with the administrative officer, in accordance with Section 4465(a)
- B. The Zoning Board shall set a date, place, and time for a public hearing on an appeal which shall be held within 60 days of the filing of the appeal as noted above. The Board shall give public notice of the hearing in accordance with Section 4464 (a) of the Act, and shall mail to the appellant a copy of such notice at least fifteen (15) days prior to the hearing date. It shall also mail such notice to the original applicant and to such other persons as the Board deems necessary, in accordance with Section 4468 of the Act.
- C. On appeal under Section 205.03(A), wherein a variance or waiver from the provisions of these bylaws is the relief requested by the appellant, and is not for a structure that is primarily a renewable energy resource structure, the Board of Adjustment may grant such variance or waiver and render a decision in favor of such appellant if all the following facts are found, and the finding is specified in its decision, in accordance with Section 4469 (a) of the Act:
  - (1) There are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to these conditions, and not the circumstances or conditions generally created by the provisions of the bylaw in the neighborhood or district in which the property is located.
  - (2) Because of these physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the bylaw, and that the authorization of a variance or waiver is therefore necessary to enable the reasonable use of the property.
  - (3) Unnecessary hardship has not been created by the appellant.
  - (4) The variance or waiver, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare.
  - (5) The variance or waiver, if authorized, will represent the minimum variance or waiver that will afford relief and will represent the least deviation possible from the bylaw and from the Town Plan.
- D. On appeal under Section 205.03(A), wherein a variance or waiver from the provisions of these bylaws is the relief requested by the appellant, for a structure that is primarily a renewable energy resource structure, the Zoning Board may grant such variance or waiver and render a decision in favor of such

appellant if all the following facts are found, and the finding is specified in its decision, in accordance with Section 4469 (b) of the Act:

- (1) It is unusually difficult or unduly expensive for the appellant to build a suitable renewable energy resource structure in conformance with the bylaws.
- (2) The hardship was not created by the appellant.
- (3) The variance or waiver, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare.
- (4) The variance or waiver, if authorized, will represent the minimum variance or waiver that will afford relief and will represent the least deviation possible from the bylaws and from the Plan.

- E. The Zoning Board shall render its decision, which shall include findings of fact, within 45 days after completing the hearing, and shall, within that period, send to the original applicant, the landowner and the appellant, by certified mail, a copy of the decision. Copies of the decision shall also be mailed to every person having been heard at the hearing. Within three days a copy of the decision shall be filed with the administrative officer, and the Clerk of the Town, and a copy posted in a public place. If the Board does not render its decision within forty-five (45) days, the Board shall be deemed to have rendered a decision in favor of the appellant, pursuant to Section 4464 (b).
- F. An interested person who has participated in a municipal regulatory proceeding may appeal a decision of the Board of Adjustment within thirty (30) days of the decision to the Environmental Court, pursuant to Section 4471. Notice of the appeal shall be filed by certified mailing, with fees, to the Environmental Division and by mailing a copy to the municipal clerk or the administrative officer, who shall supply a list of interested persons to the appellant within five working days. Upon receipt of the list of interested persons, the appellant shall, by certified mail, provide a copy of the notice of appeal to every interested person, and, if any one or more of those persons are not then parties to the appeal, upon motion they shall be granted leave by the Division to intervene.

#### 205.04 Conflicts of Interest

- A. In accordance with the Town's Zoning Board of Adjustment, Rules of Procedure, if a member of the Zoning Board has a direct or indirect financial interest in a project or proposal (hereinafter "project") being considered by the Board, that member shall recuse him or herself from the Board's decision-making on that project. Having a financial interest would include working for the person or people proposing the project, either on that specific project or in any other capacity while the project is being proposed or carried out. The disqualified member shall not participate in or be counted by the Board in establishing a quorum for any hearing related to the project. Neither will the disqualified member represent him or herself as speaking for the Board in any civic or legal capacity about the project at any time.
- B. In accordance with 24 VSA Section 1203 of the Municipal Administrative Procedure Act, similar restrictions apply if a Board member is a family relation, within the fourth degree of consanguinity or affinity, of anyone involved in a project being considered by the Board. To quote the Act, this degree of consanguinity or affinity "shall refer to the person's spouse, as well as to the person's and the spouse's: parent, child, brother, sister, grandparent, or grandchild."

**Section 206: Public Notice**

Any requirement of public notice by these regulations, whether or not required by any provision of the Act, and whether applicable to the Zoning Board or the Planning Commission, shall be given by the date, time, place, and purpose of such hearing not less than 15 days prior to the date of the public hearing by all of the following means:

- A. Publication in a newspaper of general publication in Barnet;
- B. Posting of such notice in three or more public places within the municipality in conformance with location requirements of 1 V.S.A. § 312(c)(2), including posting within view from the public right-of-way most nearly adjacent to the property for which an application is made;
- C. Written notification to the applicant and to owners of all properties adjoining the property subject to development, including the owners of properties which would be contiguous to the property subject to development but for the interposition of a highway or other public right-of-way and, in any situation in which a variance or waiver is sought regarding setbacks from a State highway, also including written notification to the Secretary of Transportation. The notification shall include a description of the proposed project and shall be accompanied by information that clearly informs the recipient where additional information may be obtained, and that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal.

**ARTICLE III: ESTABLISHMENT OF DISTRICTS AND DISTRICT REGULATIONS**

**Section 301: Zoning Map and Districts**

The 1991 version of the official zoning map is hereby adopted as part of these bylaws. The official zoning map shows a division of the Town into the following districts:

- |                          |                               |
|--------------------------|-------------------------------|
| AG Agricultural District | RR Rural Residential District |
| LD Low Density District  | VIL Village District          |

The location and the boundaries of zoning districts are established as shown on the Official Zoning Map, which shall be in the custody of the Town Clerk and is adopted by reference as a part of these zoning bylaws.

Soil surveys as prepared by the United States Department of Agriculture Soil Conservation Service were utilized to determine district boundaries. These include detailed information and geographic location of the various soil types, degree of slope, water table, depth to bedrock, percolation rate, and flood hazard area.

The back-up information for soil surveys is contained on the coded Aerial Photography Soil Maps of the Town of Barnet. These maps are also on file with the Town Clerk, and are complete with soil legend and interpretation sheets.

**Section 302: Copies of Zoning Maps**

Regardless of the existence of copies of the Official Zoning Map, which may, from time to time, be made or published, the Official Zoning Map shall be the final authority as to the current zoning status of land and water areas.

### **Section 303: Interpretation of Zoning District Boundaries**

Where uncertainty exists as to district boundaries, as shown on the Official Zoning Map, the following rules shall apply:

- 303.01 Boundaries indicated as approximately following the centerlines of roads, streams, transportation and utility rights-of-way shall be construed to follow such centerlines.
- 303.02 Boundaries indicated as approximately following lot lines shall be construed to follow such lot lines.
- 303.03 Boundaries indicated as following shorelines shall be construed to be normal mean water level.
- 303.04 Boundaries indicated as approximately following the right-of-way boundary of a limited access highway shall be construed to follow such lines.
- 303.05 Boundaries indicated as parallel to or extensions of features in 303.01 through 303.04 above shall be so construed.
- 303.06 Where circumstances are not covered by 303.01 through 303.05 above, the Zoning Board shall interpret the district boundaries.
- 303.07 When the administrative officer cannot definitely determine the location of a district boundary, the administrative officer shall refer the application to the Zoning Board for their interpretation of the location of the district boundary with reference to the Official Zoning Map and the purposes set forth in all relevant sections of these bylaws.

### **Section 304: District Objectives and Land Use Controls**

The following tables establish the objectives of each of the districts hereby established and the regulations that apply respectively in each district. Any use designated as a “Permitted Use” which does not require site plan approval in the table relating to a particular district, may be commenced pursuant to Section 305 of these regulations. Any use designated as a “Permitted Use” requiring site plan approval in the table relating to a particular district, may be commenced pursuant to Section 306 of these regulations. Any use designated as a “Conditional Use” in the table relating to a particular district, may be commenced pursuant to Section 307 of these regulations. Any use not designated by these regulations as a “Permitted Use” or a “Conditional Use” in the table relating to a particular district shall be deemed to be prohibited in such district, unless the use is identified as exempt from regulation under Section 103 of these regulations.

### **Section 305: Application of Regulations**

Hereafter no land development shall commence except in compliance with all regulations, including the issuance of any required permits, in these bylaws for the district in which such building or land is located.

**Table 305.01 Agricultural District - AG**

The purpose of the Agriculture District is to protect lands with an economic capability for agriculture and which are now essentially undeveloped except for uses associated with agriculture or forestry.

**Permitted Uses**

1. Accessory apartment\*
2. Accessory uses and structures
3. Adult daycare†
4. Boarding house
5. Commercial forestry structures§
6. Commercial greenhouse and/or nursery§
7. Dwelling, one family
8. Dwelling, two family
9. Family child care home (< 6 children)†
10. Family child care home (> 6 children)† ‡
11. Farm stands §
12. Group home\*
13. Home occupations
14. Mobile home

**Conditional Uses**

1. Animal clinic or kennel
2. Auction house
3. Auto sales and service
4. Cemeteries
5. Energy producing & receiving facilities/structures
6. Government uses
7. Historical buildings and sites
8. Landfill, dump
9. Non-polluting agriculture & forestry products processing & storage
10. Non-polluting manufacturing or commercial enterprise
11. Outdoor recreation
12. Public or private school
13. Religious institutions
14. Soil, sand, gravel & stone quarries

**Area and Dimension Requirements**

<b>Minimum lot size</b>	
Area (acres)	3
Frontage (feet)	200
<b>Minimum setbacks from</b>	
Edge of right-of-way (feet)	25
Side lot line (feet)	25
Rear lot line (feet)	25

Maximum building height - 35 ft.

\* Uses that exceed thresholds established in Section 602 “Definitions” shall require conditional use review.

† Starting or transitioning to this type of enterprise requires a change of use permit.

‡ Site plan review required.

§ See Section 4413 of the Act. For town agricultural and silvacultural regulations, see Section 416 of these bylaws.

**Table 305.02 Low Density District - LD**

The purpose of the Low Density District is to protect lands that usually have shallow soils and other limitations for development, and to discourage the overdevelopment of soils having poor drainage.

**Permitted Uses**

1. Accessory apartment\*
2. Accessory uses and structures
3. Adult Daycare†
4. Boarding house
5. Camps, youth and/or adult‡
6. Commercial forestry structures§
7. Commercial greenhouse and/or nursery§
8. Dwelling, one family
9. Dwelling, two family
10. Family child care home (< 6 children)†
11. Family child care home (> 6 children)† ‡
12. Farm Stands §
13. Group home\*
14. Home occupations
15. Mobile home

**Conditional Uses**

1. Animal clinic or kennel
2. Auction houses
3. Auto sales and service
4. Cemeteries
5. Energy producing & receiving facilities/structures
6. Government uses
7. Historical buildings and sites
8. Medical service and care facilities
9. Non-polluting manufacturing or commercial enterprise
10. Outdoor recreation
11. Public or private school
12. Religious institutions
13. Soil, sand, gravel and stone quarries
14. Warehouse

**Area and Dimension Requirements**

Minimum lot size	
Area (acres)	3
Frontage (feet)	200
Minimum setbacks from	
Edge of right-of-way (feet)	25
Side lot line (feet)	25
Rear lot line (feet)	25

Maximum building height - 35 ft.

\* Uses that exceed thresholds established in Section 602 “Definitions” shall require conditional use review.

† Starting or transitioning to this type of enterprise requires a change of use permit.

‡ Site plan review required.

§ See Section 4413 of the Act. For town agricultural and silvacultural regulations, see Section 416 of these bylaws.

**Table 305.03 Rural Residential District - RR**

The purpose of the Rural Residential District is to provide for residential and other compatible uses at densities compatible with the physical capability of the land and the availability of community facilities and services on lands outside of Village District areas. Planned unit development, open space preservation and other techniques for preserving the rural character of these areas are encouraged.

**Permitted Uses**

1. Accessory apartment\*
2. Accessory uses and structures
3. Adult daycare†
4. Barber or beauty shop
5. Boarding house
6. Commercial forestry structures§
7. Commercial greenhouse and/or nursery§
8. Dwelling, multifamily‡
9. Dwelling, one family
10. Dwelling, two family
11. Family child care home (< 6 children)†
12. Family child care home (> 6 children)† ‡
13. Farm Stands §
14. Group home\*
15. Home occupations
16. Mobile home
17. Planned unit development

**Conditional Uses**

1. Animal clinic or kennel
2. Auction houses
3. Auto sales and service
4. Cemeteries
5. Clubs and organizations
6. Energy producing & receiving structures/facilities
7. Government uses
8. Historical buildings and sites
9. Hotels and motels
10. Indoor recreation or amusement
11. Medical service and care facility
12. Non-polluting manufacturing or commercial enterprise
13. Outdoor recreation
14. Public or private school
15. Religious institutions
16. Restaurant w/ or w/o lounge
17. Soil, sand, gravel & stone quarries
18. Warehouse

**Area and Dimension Requirements**

**Minimum lot size**

**Area (acres)**

- |                  |   |
|------------------|---|
| w/ off lot water | 1 |
| w/ on lot water  | 3 |

**Frontage (feet)**

- |                  |     |
|------------------|-----|
| w/ off lot water | 100 |
| w/ on lot water  | 200 |

**Minimum setbacks from**

- |                             |    |
|-----------------------------|----|
| Edge of right-of-way (feet) | 25 |
| Side lot line (feet)        | 25 |
| Rear lot line (feet)        | 25 |

Maximum building height - 35 ft.

\* Uses that exceed thresholds established in Section 602 "Definitions" shall require conditional use review.

† Starting or transitioning to this type of enterprise requires a change of use permit.

‡ Site plan review required.

§ See Section 4413 of the Act. For town agricultural and silvacultural regulations, see Section 416 of these bylaws.

**Table 305.04 Village District - VII**

The Village Districts are the Fire Districts. It is the intent of these zoning regulations to strengthen the role of the fire districts as the focus of many social and economic activities in the community and to provide for residential, commercial, and other compatible development that serves the needs of the community. Such development should occur at densities and uses which will maintain the traditional social and physical character of the fire districts, including their historic and scenic resources, and which will not exceed the capability of the lands, waters, services, and facilities to absorb such densities.

**Permitted Uses**

1. Accessory apartment\*
2. Accessory uses and structures
3. Adult Daycare†
4. Banks‡
5. Barber or beauty shop‡
6. Boarding house
7. Dwelling, multifamily
8. Dwelling, one family
9. Dwelling, two family
10. Family child care home (< 6 children)†
11. Family child care home (> 6 children)† ‡
12. Farm Stands §
13. Group home\*
14. Home occupations
15. Laundromat and/or laundry‡
16. Mobile home
17. Mortuary‡
18. Planned unit development
19. Printing, publishing, and photo studios‡
20. Retail store and services‡
21. Restaurant w/ or w/o lounge‡

**Conditional Uses**

1. Auction house
2. Auto sales and service
3. Cemeteries
4. Clubs and organizations
5. Energy producing & receiving structures/facilities
6. Equipment rental and sale (including travel trailers)
7. Fuel storage yard
8. Government uses
9. Historical buildings and sites
10. Hotels and motels
11. Indoor recreation and amusement
12. Medical service and care facility
13. Non-polluting manufacturing or commercial enterprise
14. Outdoor recreation
15. Public or private school
16. Religious institutions
17. Soil, sand, gravel & stone quarries
18. Warehouse

**Area and Dimension Requirements**

Minimum lot size

Area (acres)	
w/ off lot water	0.5
w/ on lot water	1.0
Frontage (feet)	100

Minimum setbacks from

Edge of right-of-way (feet)	25
Side lot line (feet)	15
Rear lot line (feet)	15

Maximum building height - 35 ft.

\* Uses that exceed thresholds established in Section 602 “Definitions” shall require conditional use review.

† Starting or transitioning to this type of enterprise requires a change of use permit.

‡ Site plan review required.

§ See Section 4413 of the Act. For town agricultural and silvacultural regulations, see Section 416 of these bylaws.



## **Section 306: Site Plan Review**

To insure adequate access, circulation, parking, landscaping, screening, and the protection of the utilization of renewable energy resources, a policy of site plan review by the Zoning Board has been set forth in these bylaws.

As indicated in Tables 305.01 to 305.04, certain uses require site plan approval prior to the issuance of a zoning permit. Review shall be required for intensification of use, new construction, and for the increase of lot coverage. Projects not involving any additional coverage of the lot, either in the form of construction of, or addition to, a structure, or an increase in parking will not require site plan review.

The Zoning Board may waive site plan approval and instruct the administrative officer to issue a permit prior to the warning of a public hearing if the Commission finds that the proposed use or structure does not affect the adequacy of: (1) traffic access; (2) circulation and parking; (3) landscaping and screening, and; (4) the protection of the utilization of renewable energy resources.

Pursuant to Section 4416 of the Act, whenever a proposed site plan involves access to a State highway, the application for site plan approval shall include a letter of intent from the Agency of Transportation confirming that the Agency has reviewed the proposed site plan and is prepared to issue an access permit under 19 V.S.A. § 1111, and setting out any conditions that the Agency proposes to attach to the Section 1111 permit.

### **306.01 Submission of Site Plan Map and Supporting Data**

The owner shall submit two sets of site plan maps and supporting data, as required by this paragraph, which shall include the following information in drawn form and accompanied by written text:

- A. Name and address of the owner of record.
- B. Names and addresses of the owners of adjoining lands.
- C. Name and address of person or firm preparing map, and date.
- D. North arrow and scale of map.
- E. Lot lines with dimensions.
- F. Approximate locations and dimensions of existing and proposed structures and utilities.
- G. All curbs and access to public highways and waters.
- H. Existing and proposed parking and loading/unloading areas detailing layout and vehicular circulation.
- I. Proposed pedestrian walkways and entrances to structures.
- J. Proposed streets and vehicular circulation.
- K. Detailed landscaping indicating existing and proposed trees and shrubs.
- L. Proposed site grading plan.
- M. Locations of proposed signs.
- N. Location of wetlands, streams and waterbodies.

### **306.02 Site Plan Review Procedure**

In considering its actions the Zoning Board shall consider and may impose appropriate conditions and safeguards, only with respect to traffic access, circulation and parking, landscaping and screening, exterior lighting; the size, location, and design of signs; and the protection of the utilization of renewable energy resources.

The Zoning Board shall review the site plan map and supporting data before approval, approval with stated conditions, or disapproval is given, and shall take into consideration the following objectives:

- A. Maximum safety of vehicular circulation between the site and the street network. Particular consideration shall be given to visibility at intersections, to traffic flow and control, and to access in case of emergency.
- B. Adequacy of circulation, parking, and loading facilities. Particular consideration shall be given to the items in (A) above and the effect of noise and/or glare, on adjoining properties. Refuse and service areas should be included in the consideration. Provisions for snow removal should also be made.
- C. Adequacy of landscaping, screening, and setbacks with regard to achieving maximum compatibility and protection to adjacent property. Particular consideration shall be given to the protection of existing vegetation, visibility of unsightly or incompatible areas from the road and adjoining properties, and the adequacy of landscaping materials to meet seasonal conditions, soil conditions, and light on the site.
- D. Determination: The Zoning Board may recess the proceedings on any application pending submission of additional information. The Board should close the evidence promptly after all parties have submitted the requested information. The Board shall meet to approve or disapprove any such site plan within forty-five (45) days after the adjournment of the hearing, and failure of the Board to issue a decision within this period shall be deemed approval and shall be effective on the 46th day, pursuant to Section 4464 (b) of the Act. This forty-five day review period may be extended upon written agreement with the applicant.
- E. The Zoning Board shall hold one or more public hearings, after public notice in accordance with the procedures outlined in Section 206 of these regulations and Section 4464 of the Act, when considering site plan review applications.

### **Section 307: Conditional Uses**

Pursuant to Section 4414(3) of the Act, a use permitted under Section 305 upon the issuance of a conditional use permit by the Zoning Board shall be permitted only if the Board determines, after public notice and public hearing, that the proposed use conforms to the following general and specific standards, subject to the limitations on review of certain uses specified in Section 103.01 of these regulations:

#### 307.01 General Standards

The proposed use shall not adversely affect:

- A. The capacity of existing and planned community facilities.
- B. The character of the affected area, as defined by the purpose or purposes of the zoning district within which the project is located, and specifically stated policies and standards of the municipal plan.
- C. Traffic on roads and highways in the vicinity.
- D. Bylaws then in effect.
- E. The protection of the utilization of renewable energy resources.

#### 307.02 Specific Standards:

- A. The proposed use shall comply with all specific regulations of these bylaws applicable to it, including, but not limited to: Lot Area, Setbacks, Parking and Unloading, and Lot Coverage. However, if one of the following Subsections contains a more restrictive requirement for a particular use, such Subsection shall control as to that particular use.
- B. Roadways, parking and unloading facilities shall be designed and constructed so as not to cause undue highway congestion, or unsafe traffic conditions.
- C. Signs not attached to buildings shall be consolidated in one location on the property and be of uniform size, shape, and design. Signs attached to buildings shall be of comparable design with the consolidated signs. See Section 415 for other sign requirements.

- D. The Zoning Board may require that the outdoor storage of raw materials or inventory be screened or hidden from public highway view, or the view of persons in residential districts.
- E. All sewage and other effluents shall be disposed of in accordance with state law, so as not to become a hazard to the public health.
- F. No glare, lights, or reflection shall be permitted which is a nuisance to other property owners or tenants, or which could impair the vision of a driver of any motor vehicle or is detrimental to the public health, safety, or welfare.
- G. No fire, explosive, or safety hazard shall be permitted which endangers other property owners or which results in an increased burden on Town facilities.
- H. The above ground storage of highly flammable liquids shall not be permitted unless such use meets the following standards and setbacks:

Storage Capacity	Setback from all lot lines
551-10,000 gallons	80 feet
10,001 or more gallons	200 feet

All sites having a storage capacity of greater than 550 gallons shall be properly retained with dikes having a capacity of not less than one and one-half times the capacity of the tanks surrounded.

If the total storage capacity on the site is greater than 1,320 gallons, the general requirements for aboveground storage tanks, as outlined in the “Aboveground Storage Tank Rules” promulgated by the Waste Management and Prevention Division of the Department of Environmental Conservation, shall also be met.

- I. No emission of objectionable odor beyond the property line of a premises shall be permitted.
- J. No emission of fly ash, dust, fumes, vapors, gases, or other forms of air pollution shall be permitted which can cause any damage to health, animals, vegetation, or property or excessive soiling on the property of others.
- K. No vibration shall be permitted on any parcel which causes or results in any noticeable vibration of, or damage to, any abutting property.
- L. No noise, created on any parcel, shall be permitted which is excessive at the property line and represents a significant increase in noise levels in the vicinity so as to be incompatible with reasonable use of the surrounding area.
- M. Where permitted as a conditional use, any new, or extension to any existing commercial soil, sand, gravel, or rock removal operation shall be subject to the following standards and conditions:
  1. Before approval of any new or extension to an existing sand or gravel operation, a performance bond may be required from the applicant sufficient to insure that upon completion of the extraction operations, the abandoned site will be left in a safe, attractive, and useful condition in the interest of public safety and general welfare. The owner shall submit a plan of proposed improvements to accomplish this. The bond shall be sufficient to cover the cost of restoration of the site for other reasonable uses.
  2. The removal of all material shall be done so as to result in an improvement in the land, having due regard to the contours in the vicinity, such as leveling slopes and removing hills. The digging or creating of deep pits or slopes shall not be permitted, unless provision is made to refill such pit in a manner satisfactory to the Board.
  3. The excavation operation sites shall be graded smooth and left in a neat condition. Cut slopes and spoil banks shall not be allowed to remain. The operation site shall be fertilized, mulched, and

reseeded so as to furnish a firm cover of grass or other vegetation sufficient to prevent erosion to the satisfaction of the Board.

4. All surface drainage affected by excavation operations shall be controlled by the contractors to prevent erosion debris and other loose materials from filling or eroding any drainage course, road, or private property.
5. No excavation, blasting, or stockpiling of materials shall be located within 50 feet of any road or other property line.
6. No power activated sorting machinery or equipment shall be located within 300 feet of any road or property line, and all such machinery shall be equipped with satisfactory dust elimination devices.
7. Excavation slopes, except rock slopes, shall not be left in excess of one to two unless the prior grade was greater and cannot be remedied to one to two. (Slope of one-foot rise to two feet horizontal).
8. All excavation slopes in excess of one to one shall be adequately fenced or barricaded as determined by the Board.
9. The Board may attach any additional conditions as it may find necessary for the safety and general welfare of the public.

N. Where permitted as a conditional use, a “landfill/dump” requires license by the Vermont Agency of Natural Resources and compliance with the Solid Waste Management Rules promulgated by the Department of Environmental Conservation.

307.03 In granting a conditional use the Zoning Board may attach such additional conditions and safeguards as it may deem necessary to implement the purposes of Title 24 V.S.A., Chapter 117, and these bylaws.

307.04 Effect

A conditional use permit issued by the Board shall be effective for two years from the date of issuance. If the use granted under this permit has not been instituted within this two-year period, the applicant shall be required to apply to the Board for a renewal or new permit.

### **Section 308: Planned Unit Developments (PUD’s)**

In accordance with the provisions of 24 V.S.A. 4417 Planned Unit Developments are hereby permitted to enable and encourage flexibility and innovation of design and development of land in such a manner as to promote the most appropriate and efficient use of land; to facilitate the adequate and economical provisions of streets and utilities, to maximize energy conservation, and to preserve the natural and scenic qualities of the open land of the Town.

To permit a Planned Unit Development, the Combined Planning Commission/Zoning Board may modify these zoning regulations simultaneously with the approval of a site plan map, subject to the following standards, by which a proposed PUD shall be evaluated.

308.01 General Provisions

- A. The proposal shall be an effective and uniform treatment of the development possibilities of the project site, including common ingress and egress on and off public roads whenever practicable. The proposed development plan shall make appropriate provision for the preservation of streams and streambanks, steep slopes, wet areas, soils unsuitable for development, forested areas, and unique, natural and man-made features.

- B. The proposal shall be consistent with the Town Municipal Development Plan and all applicable bylaws.
- C. Mixed uses shall be arranged to be compatible and to insure visual and aural privacy for residents of the project.
- D. The development plan shall be phased over a reasonable period of time in order that adequate municipal facilities and services may be provided.
- E. Uses shall be limited to those permitted and conditional uses allowed within the district(s) in which the PUD is proposed.
- F. Density may vary within the PUD, but the overall density of residential, commercial, industrial, and other units shall not exceed 25% more than the number of lots which would be permitted, if the land were subdivided into lots in conformance with the zoning regulations for the district(s) in which the PUD is proposed.
- G. The Zoning Board may allow for a greater concentration of density or intensity of residential land use, within some sections or section of the development than upon others, which shall be offset by a lesser concentration in any other section.
- H. The minimum lot area for a PUD shall be either 5 acres or the minimum required lot area for the district in which the PUD is located, whichever is greater.
- I. Roadways, parking and unloading facilities shall be designed and constructed so as not to cause unreasonable highway congestion or unsafe traffic conditions. No roadway shall have a grade at any point in excess of 10 percent.
- J. Signs not attached to buildings shall be consolidated in one location on the property, and be of uniform size, shape, and design. Signs attached to buildings shall be of comparable design with the consolidated signs.
- K. The outdoor storage of raw materials or inventory shall be screened or hidden from public highway view, or the view of persons in residential districts.
- L. Lot coverage for all structures shall not exceed 30 percent of the area included in the Planned Unit Development application. The proposed land use shall conform to all minimum setbacks for the district where located and all minimum parking and unloading requirements; the Zoning Board may increase these as may be necessary to prevent fire hazards and interference with the rights of neighboring property owners to reasonable enjoyment of their property.
- M. The maximum number of units per acre permitted shall be subject to approval by the Board.
- N. In accordance with sections 4417 and 4418 of the Act, any community sewage disposal and water supply systems shall meet the regulations and standards of the Vermont Department of Environmental Conservation and any applicable Town regulations and standards. Installation of central water supply systems shall be required in PUD's. Such water supply when installed shall be of drinking quality. It shall have the necessary quantity, acceptable pressure, and connections to provide fire suppression when the PUD is fully developed.
- O. The proposal shall provide for the preservation of open space. Open space shall be in a location or locations, size and shape approved by the Zoning Board and shall be protected by appropriate legal devices to insure the continued use of such lands for the purpose of agriculture, forestry, recreation, or conservation.
- P. In addition to the foregoing, as may be applicable, travel trailer parks shall conform to the following:
  1. Parks shall provide for individual RV's access driveways and parking.
  2. Each site shall be at least 2,500 square feet in area, and have a compacted gravel or other suitable surface at least 20 feet in width and length.
  3. At least three trees (of at least one-inch diameter at base) shall be located on each site unless growing there, and shall be suitably maintained by the applicant.
  4. There shall be a minimum of 30 feet clearance between each travel trailer site.

5. Each site shall be located in a well-drained area.
6. An area between all travel trailers and the traveled portion of any adjacent public highway and any other boundary of the park abutting a property used for residential purposes shall be landscaped with existing or newly planted trees to a depth of twenty-five feet.
7. Travel trailers within the park shall be placed no closer than 200 feet to a dwelling (other than the owner's dwelling on the park property) or within 50 feet of a public right-of-way or abutting property line, whichever distance is greater.

Q. In addition to the foregoing, as may be applicable, mobile home parks shall conform to the following:

1. A minimum of 8000 square feet of lot area shall be provided for each mobile home, including a minimum of 5000 square feet for each mobile home site, plus a minimum of 3000 square feet for each mobile home for common open space, exclusive of roads. Such common space shall be accessible to all residents of the mobile home park.
2. Provision shall be made for adequate siting of mobile homes to maximize energy conservation and protect existing vegetation.
3. There shall be an undeveloped area of not less than 50 feet in depth between all mobile home sites and the right-of-way of any adjacent highway and any other boundary of the mobile home park. It shall be landscaped with existing or newly planted trees or other plant materials.

R. The Zoning Board may attach such reasonable conditions and safeguards as may be necessary to implement the provisions of 24 V.S.A., Chapter 117, and these bylaws in order to protect the public health, safety, and welfare. These may include provisions for landscaping.

#### 308.02 Procedures

- A. The combined Planning Commission/Zoning Board shall hold one or more public hearings, after public notice, on a Planned Unit Development application, in accordance with the requirements contained in Section 206 of these regulations.
- B. The application shall contain a subdivision plan or plan of the proposed development, prepared by a licensed engineer or surveyor, legibly drawn to scale on sheets of no more than 24" by 36" outside measurement, showing the following:
  1. Property and lot boundaries.
  2. Location, height, and spacing of existing and proposed structures.
  3. Open spaces and their landscaping.
  4. Streets, driveways and off-street parking, unloading and service area.
  5. Utility lines, storm and natural drainage, and septic systems.
  6. Proposed lighting.
  7. Such other features as the Board may require.
  8. The site plan shall be accompanied by a statement setting forth the proposed provisions for sewage disposal and for the maintenance of open lands.
- C. No buildings shall be constructed until all proposed streets, parking areas, water, sewer, and utility lines, and required drainage and landscaping requirements have been completed in accordance with the Planning Commission/Zoning Board's final order, and these regulations. The Planning Commission/Zoning Board shall waive this requirement if the applicant files a performance bond for the benefit of the Town, issued either by a bonding or surety company approved by the Select Board, or a bond is filed by the applicant with security acceptable to the Select Board, in an amount sufficient

to cover the full cost of such improvements and their maintenance for a period of two (2) years after completion, as is estimated by the Select Board. Such bond or other security shall provide for and secure the completion of such improvements within two (2) years of the date it is approved by the Select Board.

- D. The Planning Commission/Zoning Board shall act to approve or disapprove an application within 45 days of the last public hearing. Failure to act within such time shall be deemed approval.

## **ARTICLE IV: GENERAL PROVISIONS**

### **Section 401: Existing Small Lots**

Any lot in individual and separate and non-affiliated ownership from surrounding properties in existence on the effective date of these zoning regulations, may be developed for the purposes permitted in the district in which it is located, even though not conforming to minimum lot size requirements, if such lot is not less than one-eighth acre in area with a minimum width or depth dimension of forty feet.

### **Section 402: Required Frontage on, or Access to, Public Roads or Public Waters**

No land development may be permitted on lots which do not have frontage on either a public road or public waters or, with the approval of the Planning Commission, access to such a road or waters by permanent easement or right-of-way of record at least 20 feet in width.

### **Section 403: Lots in Two Zoning Districts**

Where a district boundary line divides a lot of record at the time such district boundary line is adopted, the regulations for the less restricted part of the lot shall extend not more than 35 feet into the more restricted part of the lot.

### **Section 404: More Than One Building on a Lot**

When there is more than one principal building on a parcel, the space between such buildings shall be no less than the combined setbacks that would be required if each building were on a separate lot. Minimum lot area requirements shall apply to each principle building.

### **Section 405: Reduction of Lot Area or Yards**

No lot or required yard shall be so reduced in area, setbacks, frontage, or other requirements such that it no longer conforms to such requirements for the district in which it is located.

### **Section 406: Required Area or Yards**

Space required under these regulations to satisfy yard, area, or other open space requirements in relation to one building shall not be used to satisfy the same requirements for any other building.

### **Section 407: Yards on Corner Lots**

Any yards abutting a public road right-of-way shall be considered front yards for the purposes of these regulations.

### **Section 408: Projections Into Required Yards**

All structures, whether attached to the principle structure or not, and whether open or enclosed, including porches, carports, balconies, or platforms above normal grade level, shall not project into any minimum required front, side, or rear yard.

### **Section 409: Temporary Construction Huts**

A temporary construction hut or unregistered storage unit shall be considered as an accessory building to the proposed or existing land development, structure, or project under construction. Such temporary construction hut shall not continue for more than one year, without a building permit renewal. Any and all such huts shall be removed within 30 days of the date of completion of construction.

### **Section 410: Excavations**

With the exception of rock cuts, no grading, cutting, or filling shall be carried out in any district which leaves the slope of the existing grade in excess of one foot measured vertically for every two feet measured horizontally.

### **Section 411: Demolished, Collapsed, or Burned Structures**

- 411.01 Within 24 months after any structure has been demolished, or has collapsed, the owner shall repair, rebuild, or replace the structure, or shall remove all structural materials and secure any cellar hole.
- 411.02 Within 12 months after the fire marshal has released a burned building, the owner shall repair, rebuild, or replace the structure, or shall remove all structure materials and secure any cellar hole.
- 411.03 Any structure that is rebuilt or replaced within the Special Flood Hazard Area shall be subject to the development standards contained in Section 413 of these regulations.

### **Section 412: Travel Trailers**

It shall be unlawful for any person to park a camping trailer, travel trailer, pick-up coach, or motor home on any public or private property, except in accordance with the regulations as follows:

- 412.01 In an approved travel trailer park.
- 412.02 In an approved sales, service, or repair facility.
- 412.03 A person may park or store his/her travel trailer on his/her property without a permit providing it is no closer than six feet to any property line and as long as it is not occupied for more than 60 days in a calendar year.
- 412.04 Any travel trailer occupied by a person for longer than 60 days in a calendar year shall meet the requirements for a single-family dwelling.
- 412.05 Any Barnet resident may hold one or more gatherings of up to ten (10) recreational vehicles (RVs) for a total of no more than 16 days altogether in a single calendar year. Each RV must be a self-contained unit, or those that are not must be served by adequate toilet facilities on site. Such a gathering may not interfere with public traffic.



**Section 413: Flood Hazard Regulations**

**413.01 Precedence.**

The provisions of these flood hazard bylaws shall not in any way impair or remove the necessity of compliance with any other local, state, or federal laws or regulations. Where this flood hazard regulation imposes a greater restriction the provisions here shall take precedence.

**413.02 Warning of Disclaimer of Liability.**

This regulation does not imply that land outside of the areas covered by this regulation will be free from flood damages. This regulation shall not create liability on the part of the Town of Barnet, or any municipal official or employee thereof, for any flood damages that result from reliance on this regulation, or any administrative decision lawfully made hereunder.

**413.03 Lands to Which These Regulations Apply.**

A. Regulated Flood Hazard Areas. These regulations shall apply to the Special Flood Hazard Area in and on the most current flood insurance studies and maps published by the Department of Homeland Security, Federal Emergency Management Agency, National Flood Insurance Program, as provided by the Secretary of the Agency of Natural Resources pursuant to 10 V.S.A. Chapter 32 § 753, which are hereby adopted by reference and declared to be part of these regulations. The location of the boundary shall be determined by the administrative officer of the Barnet Zoning Board (AO). If the applicant disagrees with the determination made by the AO, a Letter of Map Amendment from FEMA shall constitute proof.

B. Base Flood Elevations and Floodway Limits in Special Flood Hazard Areas. Where available, base flood elevations and floodway limits provided by the National Flood Insurance Program and in the Flood Insurance Study and accompanying maps shall be used to administer and enforce these regulations. In Special Flood Hazard Areas where base flood elevations and/or floodway limits have not been provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying maps, it is the applicant’s responsibility to develop the necessary data. Where available, the applicant shall use data provided by FEMA, or State, or Federal agencies.

**413.04 Summary Table: Development Review in Hazard Areas.**

The hazard areas are not appropriate sites for new structures nor for development that increases the elevation of the base flood.

Activity	Hazard Zone	
	Special Flood Hazard Area	Floodway
P: Permitted C: Conditional Use X: Prohibited A: Exempted		
New Structures	X	X
Storage	X	X
Improvements to Existing Structures	P,C	C
Small Accessory Structures	P	X
At Grade Parking	P	C
Replacement water supply or septic systems	C	C
Fill as needed to elevate existing structures	C	C
Fill	X	X

Activity	Hazard Zone	
	Special Flood Hazard Area	Floodway
P: Permitted C: Conditional Use X: Prohibited A: Exempted		
Grading	C	C
Road Maintenance	A	A
Road Improvements	C	C
Bridges and Culverts	C	C
Channel Management	C	C
Recreational Vehicles	P	P
Open Space, Recreation	A	A
Forestry	A	A
Agriculture	A	A

#### 413.05 Development Review in Hazard Areas

##### A. Permit

A permit is required from the administrative officer for all development in all areas defined in Section 413.03. Development that requires conditional use approval, non-conforming use approval, or a variance or waiver from the Board of Adjustment under these flood hazard regulations, must have such approvals prior to the issuance of a permit by the AO. Any development subject to municipal jurisdiction in the designated hazard areas shall meet the criteria in sections 413.05 and 413.06. Any permit issued will require that all other necessary permits from State or Federal Agencies have been received before work may begin.

##### B. Permitted Development

For the purposes of review under these regulations, the following development activities in the Special Flood Hazard Area where outside of the Floodway, and meeting the Development Standards in Section 413.06, require only an administrative permit from the AO:

1. Non-substantial improvements;
2. Accessory structures;
3. Development related to on-site septic or water supply systems;
4. Building utilities;
5. At-grade parking for existing buildings; and,
6. Recreational vehicles.

##### C. Prohibited Development in Special Flood Hazard Area

1. New residential or non-residential structures (including the placement of manufactured homes);
2. Storage or junk yards;
3. New fill except as necessary to elevate structures above the base flood elevation;
4. Accessory structures in the floodway;
5. Critical facilities are prohibited in all areas affected by mapped flood hazards; and,
6. All development not exempted, permitted, or conditionally permitted.

#### D. Conditional Use Review

Conditional use review and approval by the Zoning Board is required prior to the issuance of a permit by the AO for proposed development within the following:

1. Substantial improvement, elevation, relocation, or flood proofing of existing structures;
2. New or replacement storage tanks for existing structures;
3. Improvements to existing structures in the floodway;
4. Grading, excavation; or the creation of a pond;
5. Improvements to existing roads;
6. Bridges, culverts, channel management activities, or public projects which are functionally dependent on stream access or stream crossing;
7. Public utilities.

#### E. Exempted Activities

The following are exempt from regulation under these bylaws:

1. The removal of a building or other structure in whole or in part;
2. Maintenance of existing roads and storm water drainage;
3. Silvicultural (forestry) activities conducted in accordance with the Vermont Department of Forests and Parks Acceptable Management Practices; and,
4. Agricultural activities conducted in accordance with the Vermont Department of Agriculture's Required Agricultural Practices (RAP). Prior to the construction of farm structures the farmer must notify the AO in writing of the proposed activity. The notice must contain a sketch of the proposed structure including setbacks.

#### F. Variances

Variances may be granted in writing by the Zoning Board only in accordance with all the criteria in 24 V.S.A. § 4469, § 4424 (E), and 44 CFR Section 60.6, after a public hearing noticed as described in Section 206 of these regulations.

Any variance issued in the Special Flood Hazard Area will not increase flood heights, and will inform the applicant in writing over the signature of a community official that the issuance of a variance to construct a structure below the base flood elevation increases risk to life and property and will result in increased flood insurance premiums up to amounts as high as \$25 for \$100 of coverage. Such notification shall be maintained with a record of all variance actions.

#### G. Nonconforming Structures and Uses

The Zoning Board may, after public notice and hearing, approve the repair, relocation, replacement, or enlargement of a nonconforming structure within a flood hazard area provided that:

1. The proposed development is in compliance with all the Development Standards in Section 413.06;
2. A nonconforming structure that is substantially damaged or destroyed may be reconstructed only in circumstances when the structure cannot be relocated to a less hazardous location on the parcel. The lowest floor of the reconstructed structure must be rebuilt to one foot or more above the base flood elevation, and the structure must otherwise comply with all requirements of the National Flood Insurance Program;
3. Nonconforming structures or uses shall be considered abandoned where such structures or uses are discontinued for more than 12 months; and
4. An individual manufactured home lot in an existing manufactured home park that is vacated shall not be considered a discontinuance or abandonment of nonconformity. Replacement manufactured homes must be placed so as to meet the development standards in this regulation.

#### 413.06 **Development Standards**

The criteria below are the minimum standards for development in the flood hazard areas. Where more than one zone or area is involved, the most restrictive standard shall take precedence.

##### A. Special Flood Hazard Area

1. All development shall be:

- a. Reasonably safe from flooding;
- b. Designed, operated, maintained, modified, and adequately anchored to prevent flotation, collapse, release, or lateral movement of the structure;
- c. Constructed with materials resistant to flood damage;
- d. Constructed by methods and practices that minimize flood damage;
- e. Constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- f. Adequately drained to reduce exposure to flood hazards;
- g. Located so as to minimize conflict with changes in channel location over time and the need to intervene with such changes; and,
- h. Required to locate any fuel storage tanks (as needed to serve an existing building in the Special Flood Hazard Zone) a minimum of one foot above the base flood elevation and be securely anchored to prevent flotation; or storage tanks may be placed underground, if securely anchored as certified by a qualified professional.

2. In Zones AE, AH, and A1 – A30 where base flood elevations and/or floodway limits have not been determined, development shall not be permitted unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated encroachment, will not increase the base flood elevation more than 1.00 foot at any point within the community. The demonstration must be supported by technical data that conforms to standard hydraulic engineering principles and certified by a registered professional engineer.

3. Structures to be substantially improved in Zones A, A1-30, AE, and AH shall be located such that the lowest floor is at least one foot above base flood elevation. This must be documented, in as-built condition, with a FEMA Elevation Certificate;

4. Non-residential structures to be substantially improved shall:

a. Meet the standards in 413.06 A 3; or,

- b. Have the lowest floor, including basement, together with attendant utility and sanitary facilities be designed so that two feet above the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; A permit for flood proofing shall not be issued until a registered professional engineer or architect has reviewed the structural design, specifications and plans, and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection.

5. Fully enclosed areas below grade on all sides (including below grade crawlspaces and basements) are prohibited.

6. Fully enclosed areas that are above grade, below the lowest floor, below Base Flood Elevation (BFE) and subject to flooding, shall:
  - a. Be solely used for parking of vehicles, storage, or building access, and such a condition shall clearly be stated on any permits; and,
  - b. Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Such designs must be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria: A minimum of two openings on two walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
7. Recreational vehicles must be fully licensed and ready for highway use;
8. A small accessory structure of 500 square feet or less that represents a minimal investment need not be elevated to the base flood elevation in this area, provided the structure is placed on the building site so as to offer the minimum resistance to the flow of floodwaters and shall meet the criteria in 413.06 A 6. (above).
9. Water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.
10. Sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
11. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
12. The flood carrying and sediment transport capacity 11 within the altered or relocated portion of any watercourse shall be maintained, and any alteration or relocation shall not result in any decrease of stream stability.
13. Bridges and culverts, which by their nature must be placed in or over the stream, must have a stream alteration permit from the Agency of Natural Resources where applicable.
14. Subdivisions and Planned Unit Developments must be accessible by dry land access outside the special flood hazard area.
15. Existing buildings, including manufactured homes, to be substantially improved in Zone AO shall have the lowest floor, including basement, elevated above the highest adjacent grade, at least as high as the depth number specified on the community's FIRM, or at least two feet if no depth number is specified.

#### B. Floodway Areas

1. Encroachments or development above grade and less than one foot above the base flood elevation are prohibited unless hydrologic and hydraulic analyses are performed in accordance with standard engineering practice, by a registered professional engineer, certifying that the proposed development will:

- a) Not result in any increase in flood levels (0.00 feet) during the occurrence of the base flood;
  - b) Not increase any risk to surrounding properties, facilities, or structures from erosion or flooding.
2. Public utilities may be placed underground, and the analyses may be waived, where a registered professional engineer certifies that there will be no change in grade and the utilities will be adequately protected from scour.

#### 413.07 **Administration**

##### A. Application Submission Requirements

###### 1. Applications for development shall include:

- a. Where applicable, a site plan that depicts the proposed development, all water bodies, Special Flood Hazard Areas, floodways, any existing and proposed drainage, any proposed fill, and pre and post development grades, and the elevation of the proposed lowest floor, as referenced to the same vertical datum as the elevation on the current Flood Insurance Rate Maps;
- b. A Vermont Agency of Natural Resources Project Review Sheet for the proposal. The Project Review Sheet shall identify all State and Federal agencies from which permit approval is required for the proposal, and shall be filed as a required attachment to the municipal permit application. The identified permits, or letters indicating that such permits are not required, shall be submitted to the AO and attached to the permit before work can begin.

##### B. Referrals

1. Upon receipt of a complete application for a substantial improvement or new construction, the AO shall submit a copy of the application and supporting information to the State National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources, in accordance with 24 V.S.A. § 4424. A permit may be issued only following receipt of comments from the Agency, or the expiration of 30 days from the date the application was mailed to the Agency, whichever is sooner.
2. If the applicant is seeking a permit for the alteration or relocation of a watercourse, copies of the application shall also be submitted to the adjacent communities, the Stream Alteration Engineer at the Vermont Agency of Natural Resources, and the Army Corps of Engineers. Copies of such notice shall be provided to the State National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources, Department of Environmental Conservation. A permit may be issued only following receipt of comments from the Vermont Agency of Natural Resources, or the expiration of 30 days from the date the application was mailed to the Vermont Agency of Natural Resources, whichever is sooner. The Zoning Board should consider comments from the NFIP Coordinator at ANR.

##### C. Records

The administrative officer shall properly file and maintain a record of:

1. All permits issued in areas covered by these bylaws;
2. Elevation Certificates with the as-built elevation (consistent with the datum of the elevation on the current Flood Insurance Rate Maps for the community) of the lowest floor, including basement, of all

new or substantially improved buildings (not including accessory buildings) in the Special Flood Hazard Area;

3. All flood proofing and other certifications required under this regulation; and

4. All decisions of the Board (including variances and violations) and all supporting findings of fact, conclusions and conditions.

#### 413.08 **Certificate of Compliance**

Within the Special Flood Hazard Area, it shall be unlawful to use or occupy, or permit the use or occupancy of any land or structure, or part thereof, created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of compliance is issued therefor by the administrative officer, stating that the proposed use of the structure or land conforms to the requirements of Section 413 of these bylaws. A certificate of compliance is not required for structures that were built in compliance with the bylaws at the time of construction and have not been improved since the adoption of these bylaws. Within 14 days of the receipt of the application for a certificate of compliance, the AO shall ensure that all permits identified on the Project Review Sheet have been acquired and shall inspect the premises to ensure that all work has been completed in conformance with the locally issued zoning permit. If the AO fails to grant or deny the certificate of compliance within 14 days of the submission of the application, the certificate shall be deemed issued on the 15th day. If a certificate of compliance cannot be issued, notice will be sent to the owner and copied to the lender.

#### 413.09 **Enforcement and Penalties**

A. This flood hazard regulation shall be enforced in accordance with Section 204 of these zoning regulations. A copy of the notice of violation will be mailed the State NFIP Coordinator.

B. If any appeals have been resolved, but the violation remains, the AO shall submit a declaration to the Administrator of the National Flood Insurance Program requesting a denial of flood insurance to the property pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

C. Violations of the Accepted Agricultural Practices shall be enforced under this Section as violations of these bylaws. Such violations shall also be immediately reported to the state secretary of agriculture, food and markets for enforcement under 6 V.S.A. Section 4812.

#### 413.10 **Flood Hazard Definitions**

The following definitions are for use specifically and only with Section 413 of these zoning regulations. See Article VI of this document for definitions that apply to the other sections of these bylaws.

“Accessory Structure” means a structure which is: 1) detached from and clearly incidental and subordinate to the principal use of or structure on a lot, 2) located on the same lot as the principal structure or use, and 3) clearly and customarily related to the principal structure or use. For residential uses these include, but may not be limited to garages, garden and tool sheds, and playhouses.

“Area of Special Flood Hazard” is synonymous in meaning with the phrase “special flood hazard area” for the purposes of these regulations.

“Base Flood” means the flood having a one percent chance of being equaled or exceeded in any given year (commonly referred to as the “100-year flood”).

“Base Flood Elevation” (BFE) is the elevation of the water surface elevation resulting from a flood that has a 1 percent chance of equaling or exceeding that level in any given year. On the Flood Insurance Rate Map the elevation is usually in feet, in relation to the National Geodetic Vertical Datum of 1929, the North American Vertical Datum of 1988, or other datum referenced in the Flood Insurance Study report, or the average depth of the base flood, usually in feet, above the ground surface.

“Common plan of development” is where a structure will be refurbished over a period of time. Such work might be planned unit by unit.

“Critical facilities” - include police stations, fire and rescue facilities, hospitals, shelters, schools, nursing homes, water supply and waste treatment facilities, and other structures the community identifies as essential to the health and welfare of the population and that are especially important following a disaster. For example, the type and location of a business may raise its status to a Critical Facility, such as a grocery or gas station.

“Development” means any human-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

“Fill” means any placed material that changes the natural grade, increases the elevation, or diminishes the flood storage capacity at the site.

“FIRM” see Flood Insurance Rate Map

“Flood” means (a) a general and temporary condition of partial or complete inundation of normally dry land areas from: the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and mudslides which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current. (b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

“Flood Insurance Rate Map” (FIRM) means an official map of a community, on which the Federal Insurance Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community. In some communities the hazard boundaries are available in paper, pdf, or Geographic Information System formats as a Digital Flood Insurance Rate Map (DFIRM).

“Flood Insurance Study” means an examination, evaluation and determination of flood hazards and, if appropriate, the corresponding water surface elevations or an examination, evaluation and determination of mudslide (i.e., mudflow) and /or flood related erosion hazards.



“Floodplain or flood-prone area” means any land area susceptible to being inundated by water from any source (see definition of “flood”).

“Flood proofing” means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

“Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point. Please note that Special Flood Hazard Areas and floodways may be shown on a separate map panels.

“Floodway, Regulatory in Town of Barnet” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point.

“Functionally dependent use” means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water.

“Historic structure” means any structure or site that is: (a) listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (i) by an approved state program as determined by the Secretary of the Interior or (ii) directly by the Secretary of the Interior in states without approved programs.

“Letter of Map Amendment (LOMA)” is a letter issued by the Federal Emergency Management Agency officially removing a structure or lot from the flood hazard zone based on information provided by a certified engineer or surveyor. This is used where structures or lots are located above the base flood elevation and have been inadvertently included in the mapped special flood hazard area.

“Lowest floor” means the lowest floor of the lowest enclosed area, including basement, except an unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building’s lowest floor provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.

“Manufactured home (or Mobile home)” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle”.

“New construction” for regulation under these bylaws, means structures for which the start of construction commenced on or after the effective date of the floodplain management regulation adopted by the community and includes any subsequent improvements to such structures.

“Non-residential” includes, but is not limited to: small business concerns, churches, schools, nursing homes, farm buildings (including grain bins and silos), pool houses, clubhouses, recreational buildings, government buildings, mercantile structures, agricultural and industrial structures, and warehouses.

“Recreational vehicle” means a vehicle which is: (a) Built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) Designed to be self-propelled or permanently towable by a light duty truck; and (d) Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

“Special Flood Hazard Area” is the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. For purposes of these regulations, the term “area of special flood hazard” is synonymous in meaning with the phrase “special flood hazard area”. This area is usually labeled Zone A, AO, AH, AE, or A1-30 in the most current flood insurance studies and on the maps published by the Federal Emergency Management Agency. Maps of this area are available for viewing in the municipal office or online from the FEMA Map Service Center: [msc.fema.gov](http://msc.fema.gov). Base flood elevations have not been determined in Zone A where the flood risk has been mapped by approximate methods. Base flood elevations are shown at selected intervals on maps of Special Flood Hazard Areas that are determined by detailed methods. Please note, where floodways have been determined, they may be shown on separate map panels from the Flood Insurance Rate Maps.

“Start of construction” for purposes of floodplain management, determines the effective map or bylaws that regulated development in the Special Flood Hazard Area. The “start of construction” includes substantial improvement, and means the date the building permit was issued provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, regardless whether that alteration affects the external dimensions of the building.

“Structure” means, for regulatory purposes under these bylaws, a walled and roofed building, as well as a manufactured home, and any related built systems, including gas or liquid storage tanks.

“Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged conditions would equal or exceed 50 percent of the market value of the structure before the damage occurred.

“Substantial improvement” means any reconstruction, rehabilitation, addition, or other improvement of a structure after the date of adoption of these bylaws, the cost of which, over three years, or over a the period of a common plan of development, cumulatively equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either: (a) Any project for improvement of a structure to correct existing violations of state health, sanitary, or safety code specification which are the minimum necessary to assure safe living conditions or (b) Any alteration of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as a “historic structure”. “Violation,” means the failure of a structure or other development to be fully compliant with this Flood Hazard regulation. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR 60.3 is presumed to be in violation until such time as that documentation is provided.

#### **Section 414: Home Occupations**

No regulation herein may infringe upon the right of any resident to use a minor portion of a dwelling for an occupation which is customary in residential areas and does not change the character thereof.

#### **Section 415: Signs**

The purpose of this section is to promote and protect the public health, safety, and welfare by regulating existing and proposed signs in the Town of Barnet. It is further intended to hereby control and reduce the proliferation of signs in order to protect the economic and scenic value of the Town, and in order to prevent hazards to users of roads in the Town.

##### 415.01 Regulations and Restrictions

- A. Each non-residential use shall be permitted one sign.
- B. The maximum area of a sign shall be 32 square feet for a one sided sign and 64 square feet for a two sided sign.
- C. When a sign has two or more sides, the area of all sides shall be included in computing the total area of the sign.
- D. No sign shall be permitted closer to a sidewalk than three feet from any vertical line to the edge of the sidewalk, except at least eight feet above the sidewalk. If there is no sidewalk, the sign shall be seven feet from the paved or travelled portion of the road.
- E. A freestanding sign shall not exceed 20 feet in height.
- F. No sign shall be permitted which appears to direct the movement of traffic, or which interferes with, imitates, or resembles any official traffic, directional, or route sign, signal or device.
- G. No sign shall be permitted which prevents a clear and unobstructed view of official traffic signs and approaching or merging traffic.
- H. Lighting shall be so shielded so that the source of light shall not be visible from any point and so that only the sign is directly illuminated.
- I. All signs must be well constructed and maintained in good repair and stable condition.
- J. No sign shall be erected, attached, or maintained on utility poles or drawn or painted on rocks or other similar natural features.
- K. No sign shall be allowed which is not on the premises served by the sign, except special directional signs as permitted in Title 10 V.S.A. Chapter 21.

- L. No sign may be attached or placed upon any property, including but not limited to, cars, fences, walls, and buildings, by anyone other than the owner, or tenant of such property or his authorized agent.
- M. No sign which is attached to a building may extend above the eaves of that part, or the roof of the building to which the sign is attached.

415.02 Exempt Signs. The following signs do not require permits:

- A. One single or double sided “real estate for sale” sign may be posted for each 500 feet of frontage, or part thereof, provided that such signs do not exceed an area of six square feet per side. This exemption does not apply to so-called “sold by” signs.
- B. Signs erected, maintained, or administered by the Town or Federal Government or the State of Vermont under Title 10 Chapter 21, whether maintained at private or public expense.
- C. Small signs without advertising displayed for the direction, instruction or convenience of the public, including signs which identify rest rooms, freight entrances, posted areas or the like with an area not exceeding two square feet.
- D. Signs to be maintained for not more than four weeks announcing an auction, or a campaign drive or event of a civil, political, philanthropic service, religious organization, special sales, special rates, fairs, expositions, special entertainment or similar information, not exceeding six square feet in area.
- E. Signs located on the rolling stock of common carriers or on registered motor vehicles except those which are determined by the administrative officer to be circumventing the intent of these bylaws.
- F. Signs identifying stops or fare zone limits of common carriers provided they do not exceed 260 square inches in area.
- G. Trespassing signs and signs indicating private ownership of roadways or other property, on the same premises therewith, provided that the total area on any one side of such sign shall not exceed two square feet and shall be spaced at intervals of not less than 100 feet.
- H. Temporary signs of carpenters, plumbers, electricians, and other contractors may be erected only on the premises where such work is being performed. The total area of all such signs on a single lot shall not exceed 12 square feet in area, and shall be removed promptly upon completion of the work.
- I. Signs of not more than 2 square feet naming or numbering a building or posting the owners name (Non-commercial).

415.03 Non-Complying Signs

- A. Signs existing on the effective date of these bylaws which do not comply with these regulations may be continued.
- B. Non-complying signs which have been damaged or destroyed by fire or other accident may be re-established, but only within one year of such damage or destruction.
- C. Non-complying signs which have been voluntarily removed shall not be remounted on the supporting structure except in compliance with these regulations.

**Section 416: Agricultural and Silvicultural Uses – Special Regulations**

- A. Although the construction of qualifying structures for agricultural or silvicultural use does not require a building permit, such structures must comply with district setback rules and an Intent to Build form must be filed with the administrative officer.
- B. The administrative officer shall provide the applicant with such a form.

**Section 417: Building Height - Exemptions**

Towers, steeples, cupolas, chimneys, antennas, farm silos, windmills with blades less than 20 feet in length, roof top solar collectors less than 10 feet in length, roof top solar collectors less than 10 feet in height which are mounted on complying structures, and similar structures are exempted from the maximum building height regulations. As indicated in Section 305, the maximum building height in every type of district in the Town of Barnet is 35 feet.

**Section 418: Parking and Loading/Unloading Space Requirements**

418.01 Off-Street Parking Space Requirement

For every building or use hereafter erected, altered, extended or changed in use, there shall be provided on the same lot as the structure, or on a lot adjacent thereto under the same ownership or permanent easement, off-street parking spaces as set forth in this section. A required driveway shall be at least 20 feet clear in width, except for one and two family uses, and agricultural-forestry uses.

<u>Use</u>	<u>Parking Spaces Required</u>
A. Residential.	1 per dwelling unit.
B. Hotels, motels, tourist and boarding houses.	2 plus 1 per lodging unit.
C. Hospitals, nursing, and convalescent homes.	1 per 2 beds
D. Places of Public Assembly.	
With seating	1 per 2 seats
Without seating	1 per 200 square feet of floor area or fraction thereof.
E. Business, professional, and medical offices.	1 per 250 square feet of floor area or fraction thereof.
F. Commercial & retail business uses.	1 per 300 square feet of floor area or fraction thereof
G. Restaurant, eating & drinking establishment	1 per 2 seats.
H. Industrial	1.5 per employee
I. Warehouse, storage & freight	1 per 1000 square feet or fraction thereof.
J. Outdoor recreation	1 per 1000 square feet of lot area or fraction thereof.
K. Funeral homes	1 per 70 square feet of floor space or fraction thereof.
L. Other uses	As required by the Zoning Board.

The minimum dimensions of a parking space shall be 9 feet wide by 20 feet long. A parking lot shall have a total area of 300 square feet per parking space.

418.02 Off-Street Loading and Unloading Space Requirements For every building hereinafter erected, altered, extended or changed in use for the purpose of business, trade, or industry there shall be provided off-street space for loading and unloading of vehicles as set forth below.

Use Loading

- A. Hotels, motels, hospitals, commercial, business, and service establishments
- B. Industrial, wholesale, warehouse, freight and trucking uses

Unloading Spaces Required

- 1 space, at least 12' by 35', per 1000 sq. ft. of floor area or fraction thereof.
- 1 space, at least 12' by 60', per 7500 sq. ft. of floor area or fraction thereof.

418.03 Additional Parking and Loading/Unloading Space Requirements

- A. The Zoning Board may require additional off-street parking and loading/unloading spaces for any use if found that minimum spaces are not sufficient.
- B. Parking spaces for any number of separate uses may be combined in one parking lot, but the required space assigned to one use may not be assigned to another use at the same time, except upon approval of the Zoning Board.

**Section 419: Obstruction of Vision**

In all districts on a corner lot, within the triangular area formed by the intersection of two road lines and a third line joining them at points 25 feet away from their intersection, there shall be no obstruction of vision over three feet in height above the average grade of each road.

**Section 420: Subdivision of Land**

- 420.01 Any division of land into two or more lots shall require a zoning permit.
- 420.02 Any lot created that is less than the minimum acreage required, which is to be conveyed to an abutting landowner and is to be used as part of an abutting lot, shall be allowed with a permit.
- 420.03 Except as provided herein, or in the State Environmental Protection Rules, lots which do not comply with the minimum lot area requirements set forth in these zoning regulations shall not be permitted.

**Section 421: Wastewater and potable water supply systems**

No construction under a zoning permit may begin for a structure that requires new or expanded water or wastewater facilities unless and until a wastewater and potable water supply permit has been issued by the Department of Environmental Conservation under 10 V.S.A., Chapter 64.

**Section 422: Shoreland Regulations**

These regulations provide for the general development of lakes, ponds, and streams. Minimum regulations are set forth providing guidance for future development of shoreland areas.

Where these regulations are at variance with the requirements of 10 V.S.A. Chapter 49A (Vermont Shoreland Protection Act.); 29 V.S.A., Chapter 11 (Management of Lakes and Ponds); and/or Section 413 of these zoning regulations, the more restrictive regulations shall apply.

- 422.01 These regulations shall apply to all lands located in the agricultural, low density, and rural residential districts which are located within 500 feet of the following bodies of water:

- |   |  |
|---|--|
| <ol style="list-style-type: none"> <li>1. Harveys Lake</li> <li>2. Warden Pond</li> <li>3. Sarah Moore Pond</li> <li>4. Jewett Pond</li> <li>5. Connecticut River</li> <li>6. Passumpsic River</li> </ol> | <ol style="list-style-type: none"> <li>7. Stevens River</li> <li>8. South Peacham Brook</li> <li>9. Peacham Hollow Brook</li> <li>10. Joe's Brook</li> <li>11. Water Andric</li> <li>12. Jewett Brook</li> </ol> |
|---|--|

422.02 These regulations shall not apply in the village district.

422.03 No land development, as defined in 24 V.S.A. 4303(10), may be commenced within 100 feet of any body of water listed in Section 422.01 unless the nature of the proposed use requires that it be located on the shore. Except that decks are to be permitted at Harvey's Lake if they are on posts or piers (not foundations), are not covered or enclosed by more than a 42 inch railing, and do not exceed 300 square feet, provided that required State permits have been obtained.

422.04 Setbacks from designated bodies of water.

A. Of any use permitted in any district, the following uses are prohibited within 200 feet of the designated bodies of water:

1. Commercial forestry structures
2. Restaurant w/ or w/o lounge
3. Indoor recreation or amusement
4. Warehouse
5. Medical services and care facilities
6. Public or private schools
7. Soil, sand, gravel, and stone quarries
8. Hotels and motels
9. Non-polluting manufacturing or commercial enterprise
10. Non-polluting agriculture and forestry products processing and storage.

This setback shall be maintained unless, upon written petition of the farmer, the state secretary of agriculture, food and markets has approved other reasonable setbacks for the specific farm structure being constructed or maintained, as per Section 4.07 of Vermont's Accepted Agricultural Practices.

B. Of any use permitted in any district, the following uses are prohibited within 500 feet of the designated bodies of water:

1. Junk/salvage yard
2. Landfill/dump

422.05 The regulations of the district in which a lot is located shall apply to the development of that lot except when this section sets forth more stringent restrictions than the district regulations.

## **ARTICLE V: NON-CONFORMING USES AND NON-COMPLYING STRUCTURES**

### **Section 501: Construction Approved Prior to Adoption or Amendment to Regulations**

Nothing contained in these regulations shall require any change in plans for the construction of a non-complying structure or the establishment of a non-conforming use for which a zoning permit has been issued prior to the effective date of these regulations and which is completed, or suitable for occupancy or use within two (2) years from the effective date of these bylaws.

### **Section 502: Non-Conforming Uses**

In accordance with 24 V.S.A. 4412.7, the following provisions shall apply to all non-conforming uses existing on the effective date of these regulations. Any non-conforming use may be continued indefinitely, but:

- 502.01 Shall not be changed to another non-conforming use without approval of the Zoning Board, and then only to a use which, in the judgement of the Board is of the same or more restricted nature.
- 502.02 Shall not be re-established if such use has been discontinued for a period of 12 months or more for any reason, or has been changed to, or replaced by, a conforming use. Intent to re-establish a non-conforming use shall not confer the right to do so.
- 502.03 May be expanded up to 20 percent greater than its existing size on the effective date of these regulations, subject to approval by the Zoning Board, after public notice and public hearing, provided the expansion conforms to any other applicable requirements of these regulations.
- 502.04 Any expansion of a non-conforming use is subject the requirements of Section 413.05 G. of these zoning regulations.

### **Section 503: Non-Complying Structures**

In accordance with 24 V.S.A. 4412 the following provisions shall apply to all non-complying structures existing on the date of these regulations.

Any non-complying structure:

- 503.01 May be continued indefinitely and may be expanded, subject to approval by the administrative officer, provided the expansion is in accordance with any applicable requirements of these regulations, does not increase the degree of non-compliance and meets the requirements of Section 502.03 if the expansion of a non-conforming use is involved.
- 503.02 Shall not be re-established if such structure has ceased to exist for a period of 12 months or more for any reason, or has been replaced by a conforming structure. Intent to re-establish a non-complying structure shall not confer the right to do so.
- 503.03 Nothing in this section shall be deemed to prevent normal maintenance and repair of a non-complying structure provided that such action does not increase the degree of non-compliance.
- 503.04 Any expansion or reconstruction of a non-conforming structure is subject to the requirements of Section 413.05 G. of these zoning regulations.



## **ARTICLE VI: DEFINITIONS**

For the purpose of these regulations, certain terms or words used herein shall be interpreted as follows:

### **Section 601: Word Definitions**

The word person includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.

The present tense includes the future tense, the singular number includes the plural and the plural number includes the singular.

The word shall is mandatory, the word may is permissive.

The words used or occupied include the words intended, designed, or arranged to be used or occupied.

The word lot includes the words plot or parcel.

### **Section 602: Definitions**

For definitions related to Flood Zones, see Section 413.10.

**Adult Daycare:** A home or facility where the owner or operator is licensed by the state to supervise the care of adults, administer medications to them, and provide activities such as meals and socialization one or more days a week during specified daytime hours.

**Accessory Apartment:** An efficiency or one-bedroom apartment that is located within a single-family dwelling, or in an existing accessory structure that is clearly subordinate to the single-family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation. It must demonstrate compliance with all of the following: the property has sufficient wastewater capacity; the unit does not exceed 30 percent of the total habitable floor area of the single-family dwelling; and applicable setback, coverage and parking requirements specified in the bylaws are met.

**Accessory Structures or Use:** A use or structure customarily incidental and subordinate to the principal use or building, and located on the same lot.

**Administrative Officer:** That individual nominated by the Planning Commission/Zoning Board and appointed by the Select Board to enforce and administer these zoning regulations.

**Agriculture:** The cultivation of soil, production of crops, raising of livestock, poultry, and dairying.

**Alteration:** Exterior structural changes, re-arrangement, change of location, or addition to a building, other than repairs.

**Auction House:** Includes commission sales establishments and grounds used in connection therewith.

**Automobile Sales and Service:** A structure for the display, sales, and servicing of new and used motor vehicles, trailers, mobile homes, boats and travel trailers.

**Automobile Service Station:** A structure or use pertaining to the maintenance, repair, and care of motor vehicles, trailers, mobile homes, boats and travel trailers.

**Basement:** Means any area of the building having its floor subgrade (below ground level on all sides).

**Board:** The Zoning Board of Adjustment/Planning Commission.

**Boarding House:** A building in which is provided rooms and/or meals for more than four people for profit, which use is clearly incidental and secondary to the use of the structure for dwelling purposes, and does not change the character thereof.

**Building:** Means a walled and roofed structure including a gas or liquid storage tank that is principally above ground.

**Building Height:** Vertical distance measured from the average elevation of the finished lot grade at the front of a building to the highest point of its roof for flat and mansard roofs, and to the average height between eaves and ridge for all other roofs, but not to include steeples, towers, silos, and similar structures as set forth in Section 418 of these regulations.

**Camps, Youth, and/or Adult:** A recreational summer camp, this shall include, but not be limited to: YMCA, YWCA, Boy Scout, and/or Girl Scout camps and similar uses.

**Cemetery:** Any plot of ground used, or intended to be used, for the burial and/or disposition of remains of the human dead.

**Club, Private:** Building or use catering exclusively to club members and their guests for recreational purposes and not operated primarily for a profit.

**Commercial Enterprise:** The offering of goods and/or services for sale.

**Commercial Forestry Uses:** Any use related to the growing and/or harvesting of forestry products, including but not limited to sawmills.

**Conditional Use:** A use allowed only on approval by the Board of Adjustment after due notice, a public hearing, and the finding that such use complies with the general and specific standards set forth in these bylaws.

**Development:** Means the division of a parcel into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure, or of any mining, excavation or landfill, and any change in the use of any building or other structure, or land, or extension of use of land.

**Dwelling, multi-family:** Building used as living quarters by three or more families living independently of each other.

**Dwelling, one-family:** Building used as living quarters by one family.

**Dwelling, two-family:** Building used as living quarters by two families living independently of each other.

**Dwelling Unit:** Any dwelling or portion thereof used by one family and providing housekeeping facilities for that family.

**Employees:** The total number of persons employed by any concern on a full-time basis. Two part-time employees shall be equivalent to one full-time employee.

**Family:** One or more persons living in a single dwelling unit as a single housekeeping unit. Unless all persons living in a single dwelling unit are related by blood or marriage, or are adopted, or foster children, no such single housekeeping unit shall contain more than six persons. This shall not prevent temporary occupation of a dwelling unit by guests.

**Family Childcare Home:** A home or facility where the owner or operator is to be licensed or registered by the State for child care.

**Farm Stand:** A structure for merchandising agricultural products, including farm markets and cooperatives.

**Floor Area:** The total floor area used or intended to be used as living space. Basement, attic, and garage floor space shall be excluded when calculating floor space.

**Governmental Uses:** A use operated directly by a State or municipality as defined in 1 V.S.A. Section 126. A community owned and/or operated facility is a governmental use. Governmental use shall include an agency of the Federal government.

**Group Home:** A state licensed or registered community care home or group home serving not more than six persons who are developmentally disabled or physically handicapped. Such a home shall be considered, by right, to constitute a permitted single family residential use of property except that no such home shall be considered if it locates within 1000 feet of another such home.

**Historical Buildings and Sites:** Structures or places of local historical significance, where buildings or objects of history may be stored, preserved, or displayed. (For the purposes of the administration of Section 413 of these bylaws, see the definition for "Historic structure" in Section 413.10.)

**Home Occupation:** Any use conducted entirely within a dwelling or accessory structure, and carried on by the occupants thereof, which use is clearly incidental to the character thereof.

**Hotel:** A building (other than a motel, tourist house, or boarding house) used to provide overnight accommodations, with or without meals, to the public for compensation.

**Interested Person:** Any one of the following:

1. A person owning title to property affected by one of these regulations who alleges that such regulation imposes on such property unreasonable or inappropriate restrictions of present or potential use;
2. The Town or any adjoining municipality;
3. A person owning or occupying property in the immediate neighborhood of a property which is the subject of any decision or act taken under these regulations who alleges that the decision, or act, if confirmed, will not be in accord with the policies, purposes or terms of the Plan of the municipality;
4. Any ten (10) persons owning real property within a municipality listed in paragraph 2 of this subsection, who, by signed petition of the Board, when the Plan or one of these regulations is at issue in an appeal, allege that any relief requested by a person, if granted, will not be in accord with the policies, purposes, or terms of the Plan of that municipality;
5. Any department and administrative subdivision of this state owning property or any interest therein within a municipality listed in paragraph 2 of this subsection, and the Agency of Development and Community Affairs of this State, or;
6. The municipal conservation commission, if there be one in the Town of Barnet.

**Junk/Salvage Yard:** Land or building used for the collection, storage or sale of waste paper, rags, scrap metal, or discarded material; or for the collection, wrecking, dismantling, storage, salvaging and sale of machinery parts or 4 or more unregistered vehicles.

**Landfill, dump:** Land used for the storage or disposal by abandonment, dumping, burial, burning, or other means and for whatever purpose, of garbage, trash, refuse, junk, discarded machinery, vehicles, or parts thereof, or waste material of any kind.

**Lot:** A plot of land, which complies with all of the dimensional requirements for the district in which such land is located.

**Lot Area:** Total area within the property lines excluding any part thereof lying within the boundaries or right-of-way of a public road or proposed public road.

**Lot, Corner:** A lot abutting two or more intersecting streets which have an interior angle of less than 135 degrees at that intersection. A lot abutting a curved street shall be considered a corner lot if the tangents to the curve, at the points of intersection of the side lot lines with the street, intersect at an interior angle of less than 135 degrees.

**Lot Coverage:** The maximum percentage of the lot area, which may be covered or occupied by buildings or structures.

**Lot Depth:** The average distance between the road line and the rear lot line, measured at right angles to the road line.

**Lot Frontage:** Length of road or shoreline frontage for a single lot.

**Lot Line:** Property lines bounding a lot.

**Lot Line, Rear:** Means the lot line opposite and most distant from the road line. A corner lot has no rear lot line.

**Lot Line, Right-of-Way:** That line separating a public road right-of-way from those properties abutting such road right-of-way. Where the right-of-way has not been established and/or recorded, the road line shall be considered to be 25 feet from the centerline of the traveled portion of such road or street.

**Lot Line, Side:** A lot line that is neither a road line nor a rear lot line.

**Lowest Floor:** Means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render

the structure in violation of the applicable non-elevation design requirements of Section 60.3. (For the purposes of the administration of Section 413 of these bylaws, see definition in Section 413.10.)

**Manufactured Home:** Means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term “manufactured home” also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term “manufactured home” does not include park trailers, travel trailers, and other similar vehicles. (For the purposes of the administration of Section 413 of these bylaws, see definition in Section 413.10.)

**Manufacturing:** Any process whereby the nature, size, or shape of articles or raw materials are changed, or where articles are assembled or packaged.

**Material, bulk, flammable:** Any material, gas, liquid, solid, or finely divided metal that may, through chemical reaction, cause a highly volatile product that can produce a fire and/or explosion.

**Medical Service and care facilities:** Any structure used to provide medical treatment and care for human beings. This shall include, but not be limited to, clinics, hospitals, nursing homes, and sanitariums.

**Mineral and Earth Resource Processing:** The extraction and processing of sand, soil, gravel, stone, and/or other minerals.

**Mobile Home:** A prefabricated dwelling which:

1. Is designed for long term and continuous residential occupancy;
2. Is designed to be moved on wheels, as a whole or in sections;
3. On arrival at the site, is complete and ready for occupancy, except for incidental unpacking, assembly, connections with utilities, and placing on supports or a permanent foundation. (For the purposes of the administration of Section 413 of these bylaws, see the definition for “Manufactured home (or Mobile home)” in Section 413.10.)

**Mobile Home Park:** A parcel of land under single or common ownership or control, which is designed, laid out, or adapted to accommodate three or more mobile homes.

**Motel:** A building containing rooms which are rented as a series of sleeping units for transients, each sleeping unit consisting of at least a bedroom and bathroom.

**Non-Complying Structure:** A structure or part thereof not complying with the zoning regulations covering building bulk, dimensions, height, area, density, or off-street parking or loading/unloading requirements for the district in which it is located, where such structure complied with all applicable laws, ordinances, bylaws, and regulations, prior to the enactment of these regulations.

**Non-Conforming Use:** A use of land or structure which does not comply with all zoning regulations for the district in which it is located where such structure complied with all applicable laws, ordinances, bylaws, and regulations, prior to the enactment of these regulations.

**Non-Polluting:** See polluting.

**Non-Residential Use or Structure:** Any structure whose primary use is not for living or sleeping quarters. (For the purposes of the administration of Section 413 of these bylaws, see the definition for “Non-residential” in Section 413.10.)

**Nursery and/or Greenhouse, Commercial:** An area or structure where plants as trees or shrubs are grown for transplanting or for use as stocks for budding and grafting.

**Off-lot Water:** Water supplied by a State approved municipal or private water supply system which serves two (2) or more structures.

**Parking Space:** Off-street space used for temporary location of one licensed motor vehicle, which is at least 10 feet wide and 20 feet long, not including access driveway, and having direct access to a street or approved right-of-way.

**Planned Unit Development:** An area of land, controlled by a person, to be developed as a single entity for a number of dwelling units, commercial or industrial uses, if any, the plan for which may not comply, in lot size, bulk or type of dwelling, commercial or industrial use, density, lot coverage and required open space, to the regulations established in one or more districts created in these bylaws.

**Polluting:** Producing a condition detrimental to the physical or mental functions of living organisms. This shall include potential adverse effects from sewage, or other bacterial contamination, particulate matter, chemicals, sound, visual, and other electromagnetic sources.

**Principal Building:** A building in which is conducted the main or principal use of the lot on which said building is located. Attached garages, porches, or carports open at the side but roofed are part of the principal building. Any building providing sleeping quarters is a principal building.

**Prohibited Use:** A use which is neither a permitted use nor a conditional use, and hence, not permitted in one or more districts.

**Public Assembly Use:** Includes, but is not limited to auditorium, theatre, public hall, school hall, meeting hall, church or temple, amusement facility, community center, club, stadium, museum, library, or lodge hall.

**Recreation, Indoor:** Includes indoor bowling alley, movie theatre, table tennis and pool hall, skating rink, swimming pool, and similar places of indoor recreation.

**Recreation, Outdoor:** Includes, but is not limited to: golf course, golf driving range, miniature golf course; canoe or boating club; trap, skeet, or archery ranges; swimming pool; skating rink; riding stables; park, lake, and beach; tennis court; playfield or playground; recreation stadium; skiing or similar public or commercial facilities.

**Religious Institution:** Includes church, temple, parish house, convent, seminary, retreat house, monastery, and other similar uses.

**Retail Store:** Store for the retail sale of goods.

**Road, Public:** Public way for vehicular traffic which affords the principal means of access to abutting properties. Public road shall mean a Class III or better road. Road and street shall have the same meaning.

**Road, Street Grade:** Officially established grade of the road or street upon which a lot fronts. If there is no officially established grade, the existing grade of the road shall be taken as the road grade.

**School:** Includes parochial, private, public, and nursery schools, college, university, and accessory uses; and shall exclude commercially operated schools of beauty culture, business, dancing, driving, music, and similar establishments.

**Setback:** The minimum required distance from a road line, side lot line, or rear lot line to a building or other structure measured to its nearest wall, porch or deck, but not to steps, or normal roof overhang.

**Setback, Edge of Right-of-Way:** The required setback from a public or private right-of-way line. In the event the width of the right-of-way is not established, the right-of-way line shall be considered to be 25 feet from the centerline of the existing traveled portion of the right-of-way.

**Setback, Rear Yard:** The required setback from a rear lot line.

**Setback, Side Yard:** The required setback from a side lot line.

**Shoreline:** Shoreline means the land adjacent to and within 500 feet of the waters of Harvey's Lake, Warden Pond, Sara Moore Pond, Jewett Pond, the Connecticut River, the Passumpsic River, Joe's Brook, Stevens River, South Peacham Brook, Peacham Hollow Brook, Water Andric, and Jewett Brook. Shorelines shall also include the land between the high water mark and the mean low water mark of such surface waters.

**Sign:** Any exterior structure, display, device, or representation which is designed or used to advertise, call attention to, or direct a person to any business, association, profession, commodity, institution, product, service, entertainment, person, place, thing, or activity of any kind whatsoever, and is intended to be visible from a public road.

**Structure:** Means an assembly of materials for occupancy or use, including, but not limited to, a building, mobile home or trailer, billboard, sign, wall or fence, except a wall or fence on an operating farm. (For the purposes of the administration of Section 413 of these bylaws, see Section 413.10.)

**Substantial Improvement:** See Section 413.10

**Swimming Pool:** Private on residential lot shall be considered an accessory structure and be a permitted use in all districts.

**Temporary Construction Hut:** A temporary structure necessary to the development of lands or the construction of buildings or other structures.

**Tourist House:** A rooming house, primarily offering overnight accommodations for transients.

**Travel Trailer:** Includes any vehicle used as sleeping, camping, or living quarters, which is mounted on wheels, or a camper body usually mounted on a truck.

**Travel Trailer Park:** A parcel of land on which two or more travel trailers, occupied for sleeping purposes, are located.

**Variance:** A permit granted by the Board of Adjustment in accordance with Section 202.05(c) of these regulations, (Section 4468 of Title 24 V.S.A.), allowing a variation of the dimensional requirements set forth in these regulations. Variances will not be granted for uses not permitted in a specific district.

**Water-Powered Facilities:** Mills, shops, etc., which use water as a direct source of power.

**Water, Public:** Any State waters having access to a public road by permanent public right-of-way, easement, or public lands at least 20 feet wide.

**Yard:** Space on a lot not occupied by a building or structure. Porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required yard.

**Yard Sale and Other Similar Activities:** More than 5 days in a calendar year requires a conditional use permit in all districts.

## **ARTICLE VII: AMENDMENTS, INTERPRETATION, EFFECTIVE DATE**

### **Section 701: Amendments**

These regulations may be amended according to the requirements and procedures established in Sections 4441 and 4442 of the Act.

No amendment to these bylaws which involves matter portrayed on the Official Zoning Map shall become effective until after such change and entry has been made on said map, signed by the Select Board, and attested to by the Town Clerk.

### **Section 702: Interpretation**

In their interpretation and application, the provisions of these regulations shall be held to be minimum requirements adopted for the promotion of the public health, safety, convenience, comfort, and general welfare. Except where, in these regulations, specifically provided to the contrary, it is not intended by these regulations to appeal, annul, or in any way impair any regulations or permits previously adopted or issued, provided however, that where these regulations impose a greater restriction upon use of a structure or land than are required by any other statute, ordinance, bylaw, rule, regulation permit, easement, or agreement, the provisions of these regulations shall control, except prior uses under any "grandfather" clause.

### **Section 703: Effective Date**

These bylaws shall take effect twenty-one (21) days after the Select Board adopts them.

### **Section 704: Severability**

The invalidity of any Section or Article of these regulations shall not invalidate any other Section or Article thereof.

### **Section 705: Application of State Law**

Where any of the provisions of these bylaws are, or will become in conflict with the State Statutes, the State Statutes shall control.

**Section 706: Repeal of Former Zoning Ordinance**

The 1983 Town of Barnet Zoning Ordinance as amended in October 1997 is hereby repealed.